

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

Case. No.: 97-CR-0082-044(SEC)

**HAROLD RIVERA-RODRIGUEZ
T/N HAROLD RIVERA-MIRANDA**

**MOTION REQUESTING ARREST WARRANT AND
MODIFICATION OF CONDITIONS**

TO THE HONORABLE SALVADOR E. CASELLAS
U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO

COMES NOW, VICTOR M. CANINO U.S. PROBATION OFFICER of this Honorable Court, requesting a modification of conditions of Harold Rivera-Rodríguez who was sentenced on April 16, 1999, to eighty-seven (87) months of imprisonment after pleading guilty to violating Title 18 U.S.C. § 846. A four (4) year supervised release term was also imposed with the following special conditions: Mr. Rivera-Rodríguez was ordered to submit to urinalyses and engage in treatment if necessary and participate in vocational training and job placement programs. He was further ordered to pay a \$100.00 special monetary assessment.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS
FOLLOWS:**

Mr. Rivera-Rodríguez has a criminal history involving firearms and violence. On October 21, 2005, voluntarily agreed to a search and seizure condition. As such, he signed the attached Probation Form 49 - Waiver of Hearing to Modify Conditions of Supervised Release. By way of

historical background, Mr. Rivera-Rodríguez was placed at a higher level of custody while at the Community Corrections Program under Bureau of Prisons jurisdiction after he failed to abide by the program rules. On November 22, 2005, this petitioner received a telephone call from Mariseli Nazario, Mr. Rivera-Rodríguez' common law wife who indicated that Mr. Rivera-Rodríguez was using drugs and that she was worried.

On November 30, 2005, this officer received a call from Mr. Rivera-Rodríguez' sister who indicated that Mr. Rivera-Rodríguez' was kicked out of his house on November 29, 2005. She indicated that he slept in her home. On November 30, 2005, she caught him smoking crack in her bathroom and subsequently kicked him out of her home.

WHEREFORE, in lieu of the aforementioned, unless ruled otherwise, it is respectfully requested that the Court modify Mr. Rivera-Rodríguez' conditions of supervised release to include a warrant for arrest as well as a search and seizure condition.

In San Juan, Puerto Rico, this 6th day of December 2005.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on, December 6, 2005, I electronically filed the foregoing motion with the Clerk of the Court using the EM/ECF system which will send notification of such filing to the following: Bert Garcia , U.S. Attorney, and Joseph Laws of the United States Federal Public defenders Office.

At San Juan, Puerto Rico this 6th day of December 2005.

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VMC